

Serial No.: 10/672,106

Attorney Docket No.: 2003P08211US

**REMARKS**

Upon entry of the instant amendment, Claims 1, 3-14, and 16-20 are pending. Claims 1, 9, and 14 have been amended to more particularly point out applicants' invention. Additionally, claims 1, 9 and 14 have been amended to overcome the section 112 rejections.

Claims 9 and 14 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the limitations "availability of the user including being independent of the wireless device" and "including independently of the wireless device" is alleged to not be disclosed in the specification or drawings. Claim 9 has been amended to recite "availability of the user including availability via a medium separate from the wireless device;" and claim 14 has been amended to recite "contacting a user of the wireless device including via telecommunications devices other than the wireless device." As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1, 9, and 14 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 14 have been amended to correct the antecedent basis problems identified. Applicants respectfully submit, however, that "the user" in the last line of claim 9 finds antecedent basis in the lines immediately preceding its occurrence. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1, 4-11, and 14 have been rejected under 35 U.S.C. 103 as being anticipated by Jones, Jr., U.S. Patent Application No. 2001/0052849 ("Jones") in view of Camhi., U.S. Patent No. 6,762,684 ("Camhi") and further in view of Mamdani et al., U.S. Patent Publication No. 2006/0003780 ("Mamdani"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Jones, Camhi, or Mamdani, either singly or in combination.

As described in the Specification, a remote device equipped with an audible alarm and a transmission alarm is provided in accordance with embodiments of the

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present invention. The alarms can be sounded based upon different boundaries or geographic ranges. In particular, in certain embodiments, an alarm can sound when a device is determined to be outside a predetermined geographic range; the location can be transmitted to an administration device a predetermined period after the alarm has sounded if the device is not returned to within the range. In addition, in some embodiments, the wireless device and/or system can include or be associated with a presence system for defining availability of the user based on the geographic condition of the device.

Thus, claim 1 has been amended to recite "a presence controller for defining a plurality of availability rules associated with a user of the telecommunications device depending on a position condition of the telecommunications device."

In contrast, as discussed in response to the previous Official Action, and as acknowledged in the instant Final Action, neither Jones nor Camhi remotely relate to, inter alia, providing a set of availability rules associated with the user of the device. Instead, Mamdani is relied on for allegedly providing the recited "presence controller."

However, as discussed in response to the previous Official Action, Mamdani relates merely to calling a party and telling him of "purchasing opportunities that are geographically relevant to the mobile subscriber." Contrary to the suggestion in paragraph 9 of the Official Action, these do not relate to availability of the user. Regardless of his actual position and closeness to a shopping mall (for instance) he can presumably be contacted in the only manner available, i.e., called at the mobile device. In contrast, claim 1 recites availability rules defining where a user may be contacted. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

In addition, in some embodiments of the invention, the availability can be at the device itself or a location or medium other than the device. Thus, claim 9 has been amended to recite "a presence system for defining one or more availability rules associated with a user of the wireless device depending on a position condition of the wireless device, availability of the user including availability via a medium separate from the wireless device," and claim 14 has been amended to recite "programming a

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presence system with one or more availability rules associated with the first geographic range for contacting a user of the wireless device including via telecommunications devices other than the wireless device."

As noted above, Mamdani provides merely for calling a user at a user device and telling him of shopping opportunities. It does not appear to allow for availability via multiple media or media associated with other devices.

Because none of the references appear to recognize that it may be desirable to provide such a set of rules for a device wearer, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 3, 12-13, and 16-20 were rejected under 35 U.S.C. 103 as being unpatentable over Jones, Camhi, Mamdani, and further in view of Chaco, U.S. Patent No. 7,034,690 ("Chaco"). Jones, Mamdani, and Camhi have been discussed above. Chaco is relied on for allegedly teaching a second boundary. However, like Jones, Mamdani, and Camhi, Chaco fails to remedy the above-identified deficiencies in the primary references. Indeed, inasmuch as Chaco relates to an infant monitor, who presumably would not be able to respond to electronic communication, Applicants respectfully submit that Chaco teaches away from the claimed invention. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

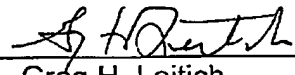
For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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